



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

DIANE LEE WALAT,

Plaintiff,

v.

Civil Action No.: 4:10cv104

**MICHAEL J. ASTRUE, COMMISSIONER,
Social Security Administration,**

Defendant.

OPINION AND ORDER

Plaintiff brought this action under 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying her claim for supplemental security income (“SSI”) under Title XVI of the Social Security Act. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated March 10, 2011, this matter was referred to a United States Magistrate Judge for a Report and Recommendation. Doc. 8.

The Report and Recommendation of the Magistrate Judge (“R&R”), filed on August 24, 2011, finds that the Administrative Law Judge’s (“ALJ”) determination that Plaintiff is not disabled is based upon substantial evidence. Doc. 16. Accordingly, the Magistrate Judge recommends the following: 1) that the final decision of the Commissioner be upheld; 2) that Defendant’s Motion for Summary Judgment be granted; and 4) that Plaintiff’s Motion for Summary Judgment be denied. *Id.* at 18.

By copy of the R&R, each party was advised of the right to file written objections to the

findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, “failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations.” Id. at 19.

This Court has reviewed the R&R of the Magistrate Judge and hereby adopts and approves in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that the final decision of the Commissioner be **UPHELD**, that Plaintiff’s Motion for Summary Judgment be **DENIED**, and that Defendant’s Motion for Summary Judgment be **GRANTED**.

Plaintiff is advised that she may appeal from this Opinion and Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within sixty (60) days from the date of this Order. If Plaintiff wishes to proceed in forma pauperis on appeal, the application to proceed in forma pauperis is to be submitted to the Clerk, United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **REQUESTED** to send a copy of this Opinion and Order to all counsel of record.

It is so ORDERED.

/s/
Henry Coke Morgan, Jr.
Senior United States District Judge

Hen
HENRY COKE MORGAN, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Date: November 12, 2011